

**LODI CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, OCTOBER 7, 2009**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of October 7, 2009, was called to order by Mayor Hansen at 6:30 p.m.

Present: Council Member Johnson, Mayor Pro Tempore Katzakian, Council Member Mounce, and Mayor Hansen

Absent: Council Member Hitchcock

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Johl

C-2 Announcement of Closed Session

a) Threatened Litigation: Government Code §54956.9(b); One Case; Potential Suit by Sean Angoco against City of Lodi Based on Personal Injury

b) Threatened Litigation: Government Code §54956.9(b); One Case; Potential Suit by Roy Beams against City of Lodi Based on Personal Injury

C-3 Adjourn to Closed Session

At 6:30 p.m., Mayor Hansen adjourned the meeting to a Closed Session to discuss the above matters. The Closed Session adjourned at 6:45 p.m.

C-4 Return to Open Session / Disclosure of Action

At 7:00 p.m., Mayor Hansen reconvened the City Council meeting, and City Attorney Schwabauer disclosed the following actions.

In regard to Items C-2 (a) and C-2 (b), settlement direction was given for both items.

A. Call to Order / Roll call

The Regular City Council meeting of October 7, 2009, was called to order by Mayor Hansen at 7:00 p.m.

Present: Council Member Johnson, Mayor Pro Tempore Katzakian, Council Member Mounce, and Mayor Hansen

Absent: Council Member Hitchcock

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Johl

B. Invocation - Pastor Mark Price, St. Paul Lutheran Church

C. Pledge of Allegiance

D. Presentations

D-1 Awards - None

D-2 Proclamations

a) Domestic Violence Awareness Month

Mayor Hansen presented a proclamation to Sheri Rizo, representing the San Joaquin County Women's Center – Lodi Office, proclaiming the month of October 2009 as "Domestic Violence Awareness Month" in the City of Lodi.

b) National Arts and Humanities Month (COM)

Mayor Hansen presented a proclamation to Jennifer Walth, Lodi Arts Commissioner, proclaiming the month of October 2009 as "National Arts and Humanities Month" in the City of Lodi.

D-3 Presentations - None

E. Consent Calendar (Reading; Comments by the Public; Council Action)

Mayor Hansen made a motion, second by Council Member Mounce, approve the following items hereinafter set forth, except those otherwise noted, in accordance with the report and recommendation of the City Manager.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Johnson, Mayor Pro Tempore Katzakian, Council Member Mounce, and Mayor Hansen

Noes: None

Absent: Council Member Hitchcock

E-1 Receive Register of Claims in the Amount of \$3,146,304.67 (FIN)

Claims were approved in the amount of \$3,146,304.67.

E-2 Approve Minutes (CLK)

The minutes of September 15, 2009 (Shirtsleeve Session), September 16, 2009 (Regular Meeting), September 22, 2009 (Shirtsleeve Session), and September 29, 2009 (Shirtsleeve Session) were approved as written.

E-3 Receive the Report of the Sale of Surplus Equipment (PW)

Received the report of the sale of surplus equipment.

E-4 Approve Specifications and Authorize Advertisement for Bids for Continued Maintenance of Landscape Areas for 2010 Calendar Year (PW)

Approved the specifications and authorized advertisement for bids for continued maintenance of landscape areas for 2010 calendar year.

E-5 Approve Specifications and Authorize Advertisement for Bids for Street Sign-Making Equipment (PW)

Approved the specifications and authorized advertisement for bids for street sign-making equipment.

E-6 Adopt Resolution Approving Annual Purchase Order with D.C. Frost Associates, Inc., of

Walnut Creek, for Materials and Services Needed to Maintain Ultraviolet Disinfection System at White Slough Water Pollution Control Facility (\$308,180) (PW)

Adopted Resolution No. 2009-128 approving the annual purchase order with D.C. Frost Associates, Inc., of Walnut Creek, for materials and services needed to maintain ultraviolet disinfection system at White Slough Water Pollution Control Facility in the amount of \$308,180.

E-7 Adopt Resolution Approving Purchase Order with Cummins West, Inc., of San Francisco, for Purchase and Installation of Diesel Filters for Four City Vehicles (\$60,695) (PW)

Adopted Resolution No. 2009-129 approving the purchase order with Cummins West, Inc., of San Francisco, for purchase and installation of diesel filters for four City vehicles in the amount of \$60,695.

E-8 Adopt Resolution Approving Purchase of John Deere Loader from Pape Machinery, of French Camp, and Appropriating Funds (\$90,000) (PW)

Adopted Resolution No. 2009-130 approving the purchase of John Deere loader from Pape Machinery, of French Camp, and appropriating funds in the amount of \$90,000.

E-9 Adopt Resolution Authorizing Additional Task Order with Treadwell & Rollo Regarding PCE/TCE Cleanup and Appropriating Funds (\$27,500) (PW)

Adopted Resolution No. 2009-131 authorizing additional task order with Treadwell & Rollo regarding PCE/TCE cleanup and appropriating funds in the amount of \$27,500.

E-10 Adopt Resolution Awarding Contract for Professional Services for Grape Bowl All Weather Surface Project to Beals Alliance, of Sacramento (\$126,330), and Appropriating Funds (\$156,000) (PW)

This item was pulled for further discussion by Council Member Mounce.

Council Member Mounce stated she will not be voting in favor of the proposed item in order to be consistent with her previous voting record on the subject matter.

Council Member Johnson made a motion, second by Mayor Pro Tempore Katzakian, adopt Resolution No. 2009-133 awarding the contract for professional services for the Grape Bowl all weather surface project to Beals Alliance of Sacramento and appropriating funds.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Johnson, Mayor Pro Tempore Katzakian, and Mayor Hansen

Noes: Council Member Mounce

Absent: Council Member Hitchcock

E-11 Adopt Resolution Awarding Contract for DeBenedetti Park (G-Basin) Storm Drain Improvements to Teichert Construction, of Stockton (\$362,168), Appropriating Funds (\$470,000), and Authorizing the City Manager to Execute an Incidental Take Minimization Measures for the Project (PW)

Adopted Resolution No. 2009-132 awarding the contract for DeBenedetti Park (G-Basin) Storm Drain Improvements to Teichert Construction, of Stockton, in the amount of \$362,168, appropriating funds in the amount of \$470,000, and authorizing the City Manager to execute an Incidental Take Minimization Measures for the project.

E-12 Accept Improvements under Contract for Lodi Public Library Entry Project (PW)

Accepted the improvements under contract for Lodi Public Library Entry Project.

E-13 Set Public Hearing for October 21, 2009, to Consider Amending an Ordinance Regarding the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan and Adopt Resolution Setting the Development Fees for 2010 (CD)

Set public hearing for October 21, 2009, to consider amending an ordinance regarding the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan and adopt resolution setting the development fees for 2010.

F. Comments by the Public on Non-Agenda Items

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.

The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted. Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

Vohanson Oskara spoke in regards to his concerns about the cost of water meters, excess spending, and the lack of general efforts to keep costs down for citizens.

G. Comments by the City Council Members on Non-Agenda Items

Council Member Mounce reported on her attendance at the Annual League Conference stating travel and tourism in the City of Lodi are moving in the right direction, transportation dollars from the State are going to be an ongoing challenge, the water crises is hitting the State in the near future, and policy resolutions for the League included police response for youth parties and securitization of local dollars. She stated she will also be speaking with Council Members regarding the "Save Your City" efforts.

Council Member Johnson thanked everyone for the well wishes and support he received during his hip surgery.

Mayor Hansen reported on his attendance at the NCPA Executive meeting and specifically discussed ongoing implications from unfunded mandates, possible adjustments for sales tax projections, global warming, the cost of providing electricity, the Kohls' grand opening, the Bella Terra Plaza opening, and the new Holiday Inn Express ribbon cutting.

H. Comments by the City Manager on Non-Agenda Items

City Manager King reported that the Downtown Summit will be held on October 16, 2009 at 7:30 a.m. at Hutchins Street Square and the keynote speaker will be Michael Freedman. Mr. King discussed the visitor and business survey conducted to ascertain impressions of downtown and the format of the summit which is designed to foster thought and further discussion.

I. Public Hearings

I-1 Public Hearing to Consider Reallocation of Available Urban County Community

Development Block Grant and HOME Program Funding (CD)

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Hansen called for the public hearing to consider the reallocation of available Urban County Community Development Block Grant and HOME Program funding.

City Manager King briefly introduced the subject matter of the CDBG and HOME program funding.

Community Improvement Manager Wood provided a PowerPoint presentation regarding the reallocation of urban county CDBG and HOME program funding. Specific topics of discussion included the goal of expending funds in a timely manner, reallocation process, following policy for both City project funding and community project funding, sources for reallocated CDBG funding, total CDBG reallocation for \$152,741.73, next round of allocations in three to four months, City projects including alley drainage improvements and handicap replacement, community project for Salvation Army roof replacement, HOME program for housing rehabilitation and neighborhood stabilization project, Service First proposal, and funding recommendations for CDBG and HOME programs.

In response to Council Member Johnson, Mr. Sandelin stated approximately 25% of ramp replacement project is CDBG funded.

In response to Mayor Hansen, Mr. Wood stated housing rehabilitation is all funded with this program, there needs to be enough equity in the home for lending value, all housing rehabilitation programs are dormant in general, and no one has applied for the program at this point.

In response to Council Member Johnson, Mr. Wood stated Habitat for Humanity is becoming more active reinventing themselves and is currently working on a south Stockton project.

In response to Council Member Mounce, Mr. Wood stated the County is marketing the program, staff is making presentations at events, information was provided in the newspaper, the Improvement Committee is actively involved with the program, and the Loel Center may help as well.

In response to Council Member Mounce, Mr. Wood confirmed the tear down of an old Victorian home, stating two homes will be built on the lot with alley access to the garage and connection to the street. Mr. Wood confirmed the Planning Commission will review the project.

In response to Council Member Mounce and Mayor Hansen, Mr. Wood confirmed staff could move quickly on providing assistance to the Salvation Army for the roof replacement project.

In response to Council Member Johnson, Mr. Wood stated with the current contributions from the City of Lodi, City of Stockton, and the County, the Salvation Army project is approximately \$14,000 shy of the total funds needed for the project.

Mayor Hansen opened the public hearing to receive comments from the public.

Dan Williams, representing Salvation Army, stated approximately 54% of the individuals served by the organization are from Lodi. Mr. Williams stated the Salvation Army is seeking a total of \$39,500 from the City for the project and needs to move quickly in order for the project to be completed before the bad weather begins.

Robin Rushing spoke in favor of allocating money from the alley way drainage project to the

Salvation Army roof replacement project.

After receiving no further comment, Mayor Hansen closed the public hearing.

In response to Council Member Mounce, Mr. Sandelin stated the funding from the ramp replacement project could be allocated to the Salvation Army project and Public Works could receive an allocation during the next go around for the ramp replacements. Mr. King stated it is important to consider Council policy on funding for City-based projects when reallocating the funds.

Council Member Mounce and Mayor Hansen spoke in favor of reallocating the funds from the ramp replacement project to the Salvation Army roof replacement project.

In response to Council Member Johnson, Mr. Sandelin stated the current funding would cover the costs associated with three alley drainage improvements, the deadline to complete the project is May 30th, and both the alley and ramp projects will likely be done in Spring because of the preferred weather.

In response to Council Member Mounce, Mr. King stated the CDBG funds could be reallocated in January for the handicap ramp project.

Council Member Mounce made a motion, second by Mayor Hansen, adopt Resolution No. 2009-134 approving the reallocation of available Urban County Community Development Block Grant and HOME Program funding.

VOTE:

The above motion carried by the following vote:

Ayes: Mayor Pro Tempore Katzakian, Council Member Mounce, and Mayor Hansen

Noes: Council Member Johnson

Absent: Council Member Hitchcock

I-2 Public Hearing to Consider Resolution Approving New Rates for Solid Waste Collection (PW)

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Hansen called for the public hearing to consider resolution approving new rates for solid waste collection.

City Manager King provided a brief introduction to the subject matter of the solid waste public hearing.

In response to Council Member Mounce, Mr. King stated the solid waste rates public hearing is subject to Proposition 218 requirements.

Public Works Director Sandelin provided a PowerPoint presentation regarding the solid waste rates public hearing. Specific topics of discussion included contract requirement, consumer price index, County landfill fees, net increase and monthly increase, and residential base rate comparison.

Mayor Hansen opened the public hearing to receive comments from the public.

Chris Gianulias spoke in protest of the proposed rates based on his concerns about commercial rates compared to the rest of the cities in the State of California, including Modesto and Sacramento. He also inquired about the contract expiration date.

Barbara Flockhart spoke in protest of the proposed rates based on her concerns regarding ability to pay by residents of Lodi and suggested charging Waste Management more for administration costs.

Wayne Knauf spoke in protest of the proposed rates based on his concerns regarding utilizing Bay Area CPI, landfill rate application, and lack of environmental efforts.

Robin Rushing spoke in protest of the proposed rates based on his concerns regarding raising all rates in general and the inability of residents to pay.

Michelle Martinez spoke in protest of the proposed rates based on her concerns regarding mailings, CPI index numbers, and rates compared with other cities.

Doug Henriett spoke in protest of the proposed rates based on his concerns regarding utilization of the Bay Area CPI and the protest process.

Jack Flockhart spoke in protest of the proposed rates based on his concerns regarding the process stating he received six notices.

In response to Mayor Hansen, Ms. Martinez stated other cities she compared included Lathrop, Manteca, Stockton and Tracy. In response to Mayor Hansen, Mr. Sandelin stated the 2.4% is correlated to the 80% CPI number.

After receiving no further comment from the public, Mayor Hansen closed the public hearing.

In response to Mayor Hansen, Mr. Sandelin stated the contract is up in 2016 and has a seven year option.

Tom Sanchez, representing Waste Management, specifically discussed the pay as you throw system and recycling, paying the lowest amount by recycling more, different cities having different services attached with the contract, State mandates in connection with recycling, not being aware of any complaints received by the Finance Department, the tree statement being based on paper and organic material recovered, residential rates as base rates for communities, community contributions, and free programs such as hazardous programs and electronic recycling.

In response to Mayor Hansen, Mr. Sanchez confirmed that citizens can directly recover recycling values.

In response to Council Member Johnson, Mr. Sandelin stated the Bay Area CPI is used because there is no Valley CPI. He stated only 80% of the CPI is assessed to give consideration for the differences between the Valley and the Bay Area.

In response to Council Member Johnson, Mr. Schwabauer stated the Proposition 218 process is created by the citizens of the State through Howard Jarvis and the resolution could still be adopted with Item No. 6 being stricken since it does not apply.

In response to Council Member Johnson, Mr. Schwabauer and Mr. King stated Waste Management is billed for services performed internally and as a precautionary measure in light of the uncertainty in the law, notification is provided to both the property owner and the rate payer.

In response to Mayor Hansen, Mr. Sandelin stated the landfills do not generally have a flat rate and the County assesses landfill rates every year for five years.

Council Member Johnson made a motion, second by Mayor Pro Tempore Katzakian, adopt Resolution No. 2009-135 approving new rates for solid waste collection, excluding Item No. 6 of the Exhibit.

**VOTE:**

The above motion carried by the following vote:

Ayes: Council Member Johnson, Mayor Pro Tempore Katzakian, Council Member Mounce, and Mayor Hansen

Noes: None

Absent: Council Member Hitchcock

J. Communications

J-1 Claims Filed Against the City of Lodi - None

J-2 Appointments - None

J-3 Miscellaneous - None

K. Regular Calendar

K-1 Adopt Resolution Awarding Professional Services Agreement to RMC Water and Environment, of Walnut Creek, for Water Meter Planning, Design, and Program Management Services Project (\$2,815,183) and Appropriating Funds (\$3,250,000) (PW)

City Manager King provided a brief introduction to the subject matter of the water meter program.

In response to Council Member Mounce, Mr. King stated the final date for installation of water meters is 2026.

Public Works Director Sandelin provided a PowerPoint presentation regarding the professional services agreement for water meter installation. Specific topics of discussion included policy review, estimated meter costs, accelerated meter program and implementation. payment options, funding, and professional services agreement overview.

In response to Council Member Mounce, Mr. Sandelin stated approximately \$35 Million was raised in the infrastructure account.

In response to Council Member Mounce, Mr. Sandelin stated the \$1,200 includes the connection from the street to the home and only the portion in the street is infrastructure.

In response to Mayor Hansen, Mr. Sandelin confirmed infrastructure costs for new development are passed on to the developer who incorporates it into the cost of the home.

In response to Council Member Johnson, Mr. Sandelin stated the hose bib connection to the front of the house includes the piping from the street and does not include the cost of the main.

In response to Council Member Mounce, Mr. Sandelin stated he is not sure of what other cities are doing a similar water meter installation program.

In response to Mayor Hansen, Mr. Sandelin confirmed that the water meter installation program is in response to inherent unfairness of the bedroom system.

In response to Mayor Pro Tempore Katzakian, Mr. Sandelin stated all mains smaller than six



inches would be moved to the front of the homes.

In response to Mayor Pro Tempore Katzakian, Mr. Sandelin stated the costs would include the tap at the main, plumbing, fixtures, radio transponder, meter and cover.

In response to Mayor Pro Tempore Katzakian, Mr. Sandelin stated the life of a meter is approximately 20 years and maintenance and replacement are typically covered in the rate structures. Mr. Sandelin stated both water and wastewater rates will be brought back to Council in the future.

In response to Mr. King, Mr. Schwabauer confirmed that the lateral is owned by the property owner and not the City.

In response to Mayor Hansen, Mr. Sandelin stated he has not seen a capital improvement set aside in the last 15 years.

In response to Mayor Hansen, Mr. Sandelin stated there will be a hardship program and refusal to pay will result in a lien which is placed on a property with Council approval.

In response to Mayor Hansen, Mr. Sandelin stated the property owner will have an option to spread the cost out over three years and the numbers are based on the assumption that most property owners will elect that option.

In response to Council Member Johnson, Mr. Sandelin stated a self-installation handbook will be brought back to Council although some properties will be restricted from using that option.

In response to Council Member Mounce, Mr. Sandelin stated connections in the back of the house will not have an option for self-installation, there are approximately 1,600 houses with connections in the back, and they are not necessarily on the east side of town. Mr. Sandelin stated water contamination is a greater concern for those connections.

In response to Mayor Pro Tempore Katzakian, Mr. Sandelin stated 1,600 homes out of 13,000 have a line that needs to come to the front because the pipe is less than six inches.

Barbara Flockhart spoke in opposition to the proposed item based on her concerns about the cost of outside consultants versus in-house staff. Mr. Sandelin stated three senior engineering staff were lost in the last budget cycle, there is an expertise needed in engineering design, and public outreach and data collection is not something that can be handled in-house.

Vohanson Oskara spoke in opposition to the proposed item based on his concerns about the costs of the project and consultants.

Eunice Frederick spoke in opposition to the proposed item based on her concerns about the costs associated with meter installation and fairness.

Robin Rushing spoke in opposition to the proposed item based on the costs of the project.

Jack Flockhart spoke in opposition to the proposed item based on his concerns regarding the cost and acceleration of the project.

Mike Matson, representing RMC Water and Environment, spoke in favor of the proposed project and specifically discussed the \$2.8 Million covering the compressed timeline, self-installation manual, straw man implementation plan for consistency with work already being done throughout the City, commitment to presence in the City to address community concerns, 21 miles of

pipeline drawings and installation plans, and the overall goal to be cost effective.

Council Member Mounce stated she cannot vote in favor of the proposed item because she fundamentally does not agree with passing on infrastructure costs to the people.

In response to Mayor Hansen, Mr. Sandelin stated the main leading up to the house is owned by the property owner and if the City did repairs, the property owner would be billed accordingly.

Council Member Johnson made a motion, second by Mayor Hansen, adopt Resolution No. 2009-136 awarding professional services agreement to RMC Water and Environment, of Walnut Creek, for Water Meter Planning, Design, and Program Management Services Project in the amount of \$2,815,183 and appropriating funds in the amount of \$3,250,000.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Johnson, Mayor Pro Tempore Katzakian, and Mayor Hansen

Noes: Council Member Mounce

Absent: Council Member Hitchcock

K-2 Provide Direction with Regard to Request by Council Member Mounce to Discuss Mobile Food Vendor Ordinance Pertaining to the Number of Vendors and Parking (CA)

City Manager King stated the item is being brought forward to assess if a majority of the Council would like staff to spend time on the matter.

Council Member Mounce stated she requested that the matter be brought forward and would specifically like to address a cap on the number of mobile food vendors in the City.

In response to Mayor Hansen, Mr. Wood stated staff received six new applications recently and fielded questions from someone who would like to develop a site for two vendors. Mr. Wood stated currently there are 21 lunch wagons operating within the City.

In response to Council Member Mounce, Mr. Wood stated the annual permits expire in December and a renewal is effective in January.

Council Member Mounce suggested mobile food vendor applications and modifications be addressed on a first come, first serve basis.

In response to Council Member Johnson, Mr. Wood stated he is not aware of complaints as to the activity of taco trucks per se. Council Member Johnson stated he would like to receive additional information as to how big the problem is before making changes.

Council generally agreed to receive more information on the subject matter and look at the possibility of a cap on the number of mobile food vendors in the City.

In response to Mayor Hansen, Mr. Wood stated there has been a proliferation of push carts which have yet to be licensed.

A brief discussion ensued between Council Member Mounce and Mr. Schwabauer regarding how many mobile food vendors should be allowed and the process associated with granting the permits and renewals.

K-3 Adopt Resolution Amending the Bylaws for the Greater Lodi Area Youth Commission and Directing the City Clerk to Post for One Adult Advisor Vacancy on the Commission (CLK)

City Manager King provided a brief overview of the current Youth Commission citing the lack of participation by the School Board and inconsistency between the bylaws and resolution.

In response to Mayor Hansen, Council Member Mounce stated the Youth Commission will continue to have contact with the School District through the Superintendent.

Council Member Mounce made a motion, second by Council Member Johnson, adopt Resolution No. 2009-137 amending the Bylaws for the Greater Lodi Area Youth Commission and directing the City Clerk to post for one Adult Advisor vacancy on the Commission.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Johnson, Mayor Pro Tempore Katzakian, Council Member Mounce, and Mayor Hansen

Noes: None

Absent: Council Member Hitchcock

K-4 Reintroduce Ordinance Amending Lodi Municipal Code Title 16 - Subdivisions - Chapter 12, "Parcel Maps," and Chapter 16, "Final Maps" (PW)

Public Works Director Sandelin provided a brief overview of the reference related changes which necessitated the reintroduction of the ordinance.

Council Member Mounce made a motion, second by Council Member Johnson, reintroduce Ordinance No. 1824 amending Lodi Municipal Code Title 16 - Subdivisions - Chapter 12, "Parcel Maps," and Chapter 16, "Final Maps."

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Johnson, Mayor Pro Tempore Katzakian, Council Member Mounce, and Mayor Hansen

Noes: None

Absent: Council Member Hitchcock

L. Ordinances - None

M. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 11:08 p.m., in memory of Charles "Charlie" Wolf, respected member of the community, who passed away on September 24, 2009.

ATTEST:

Randi Johl  
City Clerk